

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOHN MADIGAN,  
Plaintiff

v.

GENERAL STAR INDEMNITY CO.,  
Defendant

CIVIL ACTION NO. 04-cv-12665-DPW

**JOINT STATEMENT AND PROPOSED PRE-TRIAL SCHEDULE PURSUANT TO LOCAL  
RULE 16.1**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(D), the plaintiff and defendant have conferred and submit the following joint statement and proposed pretrial schedule in anticipation of the Scheduling Conference scheduled for February 10, 2005.

**I. BACKGROUND**

In this insurance coverage action plaintiff alleges that the defendant, General Star Indemnity Co. (“General Star”), had an obligation to cover a claim and provided a defense for its insured, Industrial Rents, LLC. The underlying claim alleged that the plaintiff was injured when a roof on which he was working collapsed. The plaintiff was working for an independent contractor who had contracted to replace roofing material on a building which was allegedly owned by the insured. Count I of the complaint is a claim for payment based upon plaintiff’s obtaining an assignment of rights from the insured. Count II is a claim to reach and apply the proceeds of the insured’s liability policy.

General Star denies the plaintiff’s contention that it owes coverage. An exclusion in the policy precludes coverage for bodily injury arising out of operations performed for the named insured by independent contractors.

II. PROPOSED PRETRIAL SCHEDULE AND DISCOVERY PLAN

Initial disclosures:

February 24, 2005: Initial disclosures to be completed.

Amendments to the Pleadings:

March 28, 2005: All amendments to be filed.

Fact Discovery:

June 28, 2005: Fact discovery necessary for summary judgment to be completed.

Summary Judgment Motions

August 29, 2005: Motions for summary judgment, if any, must be filed.

October 3, 2005: Opposition to motion for summary judgment, if any, must be filed.

October 24, 2005: Reply to motion in opposition to summary judgment, if any, must be filed.

III. MAGISTRATE

The parties are unwilling, at this time, to consent to trial by a Magistrate Judge.

IV. SETTLEMENT PROPOSAL

There has been no settlement proposal from the plaintiff.

V. CERTIFICATION OF CONSULTATION

The parties will separately file the Certifications required by Local Rule 16.1(D)(3).

Defendant,  
By its Attorneys,

/s/ Samuel M. Furgang  
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Plaintiff,  
By his Attorneys

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Dated: Februray 2, 2005

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